

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) Case No. CR07-330-RSL  
 )  
v. )  
 ) DETENTION ORDER  
BRUCE EDWARD SMITH, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Offenses charged:

Count 1: Transportation of Visual Depictions of Minors Engaging in Sexually  
Explicit Conduct in violation of 18 U.S.C. §§ 2252(a)(1) and  
2252(b)(1)(b).

Count 2: Possession of Visual Depictions of Minors Engaging in Sexually Explicit  
Conduct in violation of 18 U.S.C. §§ 2252(a)(4) and 2252 (b)(1).

Date of Detention Hearing: October 1, 2007.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
based upon the factual findings and statement of reasons for detention hereafter set forth, finds  
the following:


FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that defendant is a flight risk and a danger to the community based on the nature of the pending charges. This places a limited burden of production on the defendant, although the burden of persuasion remains with the government. Application of the presumption in favor of detention is appropriate in this case.
- (2) Housing arrangements that were once thought appropriate are not.
- (3) Defendant has stipulated to detention, but reserves the right to contest his continued detention if there is a change in circumstances.
- (4) There appear to be no conditions or combination of conditions other than detention that will reasonably address the risk of flight and risk of danger to other persons or to the community.

## IT IS THEREFORE ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

01 DATED this 1st day of October, 2007.

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04 JAMES P. DONOHUE  
05 United States Magistrate Judge  
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